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Application No.: 09/372,416

Art Unit: 2008 OCT 28 2009

The Assignee of the present application intends to submit a petition to correct the inventorship of the present application pursuant to 37 C.F.R. § 1.48(c). However, a prerequisite for the granting of a petition under § 1.48(c) is a statement of non-deceptive intention by the inventor being added, and a new oath or declaration by the actual inventors. §1.48(c)(2)-(3). To date, Mr. Roth could not be found after diligent effort for signing the aforementioned statement and declaration. The Assignee intends to submit a petition under 37 C.F.R. § 1.183 requesting waiver of the rules.

In view of the foregoing, the Examiner is respectfully requested to withdraw the rejection over Yager.

In the event the Examiner deems the pending claims to be in an allowable condition, except for the error in the inventorship, then the Examiner is respectfully requested to suspend further action in the present application until a petition to correct the inventorship is granted by the Office of Petitions.

Dated: October 28, 2009

Respectfully submitted,

Signature: /Benzion A. Wachsman/Benzion A. Wachsman  
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